

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7
8 HEATHER LEE MEHUDAR,)
9 Plaintiff,) Case No. 2:16-cv-02700-JAD-GWF
10 vs.) **ORDER**
11 TREVOR J. HATFIELD,)
12 Defendant.)
13

14 This matter is before the Court on Movant Equal Employment Opportunity Commission's
15 ("EEOC") Motion to Quash (ECF No. 10), filed on January 23, 2017. Plaintiff filed her Notice
16 (ECF No. 13) regarding the EEOC's Motion to Quash.

17 Plaintiff alleges claims of misconduct against her former attorney, Defendant Hatfield, who
18 appears to have represented her in a separate employment related lawsuit. *See* ECF No. 1. On or
19 about January 9, 2017, Plaintiff served a subpoena to produce documents upon the EEOC, a non-
20 party to this matter. *See Motion* (ECF No. 10), pg. 4-5. The subpoena requests all written
21 correspondence from Defendant Hatfield in relation to Plaintiff's alleged wrongful termination from
22 Rock Springs Massage Envy and an affidavit of any verbal discussions with Mr. Hatfield regarding
23 his representation or relating to Plaintiff's case against Rock Springs Massage Envy. The EEOC
24 requests that the Court quash the subpoena pursuant to Fed. R. Civ. P. 45 because it seeks
25 documents that the EEOC is prohibited from disclosing pursuant to Title VII of the Civil Rights Act
26 of 1964, is unduly burdensome, and premature. *See Motion* (ECF No. 10), pg. 3-4.

27 Rule 26(d)(1) states that "[a] party may not seek discovery from any source before the
28 parties have conferred as required by Rule 26(f)...” Fed. R. Civ. P. 26(d)(1). This action was

1 removed to this Court on November 23, 2016. See ECF No. 1. To date, the parties have not filed a
2 discovery plan or scheduling order pursuant to Rule 26(f) or Local Rule 26-1. Discovery is
3 therefore premature. The Court grants movant's Motion to Quash without prejudice to Plaintiff
4 serving a renewed subpoena to the EEOC on the grounds that discovery is not authorized before the
5 parties have conferred as required by Rule 26(f). Accordingly,

6 **IT IS HEREBY ORDERED** that Movant Equal Employment Opportunity Commission's
7 ("EEOC") Motion to Quash (ECF No. 10) is **granted**.

8 DATED this 1st day of February, 2017.

9
10 
11 GEORGE FOLEY, JR.
12 United States Magistrate Judge